

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NICHIA CORPORATION,

No. C 06-0162 MMC

Plaintiff,

v.

SEOUL SEMICONDUCTOR CO.,LTD., et al.,

Defendants

**ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANTS'
ADMINISTRATIVE MOTION TO FILE
PORTIONS OF DEFENDANTS'
OPPOSITION AND SUPPORTING
DECLARATION UNDER SEAL;
DIRECTIONS TO CLERK; DIRECTIONS
TO PLAINTIFF**

Before the Court is defendants' "Administrative Motion to File Portions of Defendants' Opposition to Plaintiff's Brief in Support of Motions for Summary Judgment of Patent Infringement, Validity, and Seoul's Equitable Defenses and Supporting Parker Declaration Under Seal," filed June 29, 2007. Having reviewed the motion and the declarations offered in support thereof, the Court rules as follows:

1. The motion is hereby GRANTED in part, and the Clerk is hereby DIRECTED to file under seal unredacted versions of the following two documents:

a. Defendants Seoul Semiconductor Co., Ltd. and Seoul Semiconductor, Inc.'s Opposition to Nichia Corporation's Motion for Summary Judgment of Patent Infringement, Validity and Seoul's Equitable Defenses; and

b. Declaration of Beth H. Parker in Support of Defendants' Opposition to Plaintiff Nichia Corporation's Brief in Support of Motions for Summary Judgment of Patent


1 Infringement, Validity and Seoul's Equitable Defenses.

2 2. To the extent defendants seek leave to file under seal Exhibits 13 and 15 to the
3 Parker Declaration, the motion is hereby DENIED as moot because said exhibits were filed
4 by defendants in the public record. (See Docket # 343.)

5 3. Plaintiff has adequately shown that "portions" of two exhibits, specifically, Exhibits
6 16 and 18 to the Parker Declaration, contain information that is confidential. (See Julian
7 Decl., filed July 6, 2007, ¶ 7.) Plaintiff has not shown, however, that the entirety of those
8 two exhibits is confidential, and portions thereof plainly are not, (see, e.g., Parker Decl.,
9 filed June 29, 2007, Ex. 16 at 29:3-11 (expert witness discussing his understanding of
10 meaning of term "prior art"); id. Ex. 18 at 22-24 (expert witness discussing why he believes
11 he is expert in certain fields).¹ Further, plaintiff has failed to specifically identify the portions
12 that are confidential. A party may not designate an entire document as confidential on the
13 ground that part of the document contains confidential information. See Civil L.R. 79-5(a)
14 (providing request to file document under seal "must be narrowly tailored to seek sealing
15 only of sealable material").² Accordingly, the motion is hereby DENIED to the extent
16 defendants seek to leave to file under seal the entirety of Exhibits 16 and 18, and plaintiff is
17 hereby DIRECTED to file in the public record, no later than July 30, 2007, redacted
18 versions of Exhibits 16 and 18. If plaintiff fails to timely file such redacted versions in the
19 public record, the Court will direct the Clerk to file the entirety of such exhibits in the public
20 record.

21 **IT IS SO ORDERED.**

22
23 Dated: July 26, 2007


MAXINE M. CHESNEY
United States District Judge

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25
26 _____
27 ¹These examples are illustrative only.

28 ²Defendants represent, and plaintiff has not disputed, that plaintiff designated the
entirety of the two subject exhibits as confidential.